

FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

May 18, 2010

Michael Mackintosh

REDACTED

Warning Letter Re: FPPC No. 06/255, In the Matter of Michael Mackintosh

Dear Mr. Mackintosh:

The Fair Political Practices Commission (the "FPPC") enforces the provisions of the Political Reform Act (the "Act"),¹ found in Government Code section 81000, et seq. This letter is in response to a complaint filed against you that alleged that you failed to disclose making independent expenditures supporting and opposing candidates for the Fairfax Town Council in the November 8, 2005 election.

The FPPC has completed its investigation of the facts in this case. Specifically, the FPPC found that on May 7, 2007, you filed an independent expenditure committee statement (Form 461) for the stated period of January 1, 2005 through December 31, 2006, disclosing independent expenditures opposing Frank Egger made on October 14, 2005 (\$24) and February 9, 2006 (\$1,638.52).

The Act requires that independent expenditure committees shall file campaign statements each year no later than July 31 for the period ending June 30, and no later than January 31 for the period ending December 31, if they have made contributions or independent expenditures, including payments to a slate mailer organization, during the six-month period before the closing date of the statements.. (Section 84200.)

Your actions violated the Act because you failed to timely file a semi-annual campaign statement for the reporting period of January 1 through June 30, 2006. However, in addition to

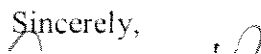
¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

the relatively low dollar amount of the expenditure, you voluntarily complied with the reporting requirements of the Act after speaking with enforcement division staff, and you have no prior history of violating the Act.

This letter serves as a written warning. The information in this matter will be retained and may be considered should an enforcement action become necessary based on newly discovered information or future conduct. Failure to comply with the provisions of the Act in the future will result in monetary penalties of up to \$5,000 for each violation.

A warning letter is an FPPC case resolution without administrative prosecution or fine. However, the warning letter resolution does not provide you with the opportunity for a probable cause hearing or hearing before an Administrative Law Judge or the Fair Political Practices Commission. If you wish to avail yourself of these proceedings by requesting that your case proceed with prosecution rather than a warning, please notify us within ten (10) days from the date of this letter. Upon this notification, the FPPC will rescind this warning letter and proceed with administrative prosecution of this case. If we do not receive such notification, this warning letter will be posted on the FPPC's website ten (10) days from the date of this letter.

Please feel free to contact me with any questions you may have regarding this letter.

Sincerely, 

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Angela J. Brecken
Senior Commission Counsel
Enforcement Division